

REMARKS

Responsive to the Restriction Requirement dated July 13, 2005, Applicant hereby elects for prosecution at this time Group I claims 1-24, drawn to a system for producing portions of ground meat. The election of Group I claims is made with traverse without prejudice to the elected Group I claims and without prejudice to the non-elected Group II claims.

In response to the requirement for election of a species, Applicant provisionally elects with traverse the species of I-3b as claimed in claim 9.

Reconsideration and withdrawal of the requirement for restriction are respectfully requested. The Applicant contends that Group I and II are closely related and have a common utility. Specifically, the apparatus and method for the production of ground meat have the common utility of producing a ground meat product having a consistent weight. The Applicant further contends that the Groups I and II claims don't pose a serious burden for the examiner by requiring separate searches.

With regard to species 1-1a as claimed in claim 3 and species 1-1b as claimed in claim 4, both relate to a vacuum pump. Claim 3 recites a vacuum pump in general and claim 4 further limits the vacuum pump configuration. Thus, the species restriction is not appropriate. Species 1-2 (a-n) simply recites a location monitoring mechanism that can be selected from a group of monitors well known in the art, thus this species restriction is not appropriate. Species 1-3a (Claim 8) and 1-3b (Claim 9) relate to two different limitations. Claim 8 relates to a location monitoring mechanism whereas claim 9 relates to an electronic control. The applicant assumes species 1-3a (Claim 8) was intended for Claim 7. Assuming this to be true, Claim 7 related to a closed loop feedback electronic control responsive to product output, is simply a further limitation of the electronic control. Whereas Claim 9 simply relates to an electronic control for

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controlling the density of the stream of meat, thus this species restriction is not appropriate.

Species 1-4a (Claim 15) and species 1-4b (Claim 16) simply relates to comparing the weight of each individual portion of a product received with a control value such as average weight or target weight. This species restriction is also not appropriate. Therefore, based on the above, the applicant respectfully requests the Examiner withdraw the species restriction.

Because Applicant may wish to pursue claims of the non-elected Groups and species at a later date by Divisional Application, if necessary, it is requested that these claims, pursuant to 37 CFR 1.142, be permitted to remain in the application, but withdrawn from examination.

This response does not present any new matter. Accordingly, as all requirements of the Action have been complied with, an action on the merits and a Notice of Allowance are hereby respectfully solicited.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: Nov 21, 2005



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